

**MINUTES OF THE REGULAR MEETING  
OF THE PLANNING BOARD  
HELD IN THE TRUSTEES' ROOM, VILLAGE HALL  
ON WEDNESDAY, SEPTEMBER 3, 1997**

**Members**

**Present:** Patrick J. Gilmartin, Chairman  
Robert Buford  
William Hoffman  
Peter Lilienfield  
Alan Morris, Secretary

**Also Present:** Kevin J. Plunkett, Village Counsel  
Brenda Livingston, Ad Hoc Planning Board  
Member  
Eugene Hughey, Building Inspector  
Florence Costello, Planning Board Clerk  
Robert Citarell, E.C.B. Member  
Joseph Jacoby, J&L Reporting Service, for  
Westwood  
Development Associates  
Applicants and other persons mentioned in  
these Minutes  
Members of the Public.

**IPB Matters**

**Considered:** 94-03 -- Westwood Development  
Associates, Inc.

Sht.  
10,10C,11,Lots25K,25J2,25K2,25A,26A  
96-13 -- Louis W. Goodkind  
Sht. 10F, Bl. 253, Lot 15  
97-14 -- Ettore & Maria D'Alessio  
Sht. 13, Lot 141A  
97-18 -- Jonathan Elwyn & Heidi Jellinghaus  
Sht. 11, P-68  
97-21 -- Joseph Daniel  
Sht. 10D, Bl. 240, Lot 16 & 17  
97-22 -- Irvington Associates  
Sht. 12B, Lot #38 Legend Hollow  
97-23 -- Theodor Brown  
Sht. 8, Bl. 218, Lot 69 & 70

The Chairman called the meeting to order at 8:00 p.m.

**IPB Matter #96-13:**                      **Application of Louis W.**  
**Goodkind for**                                      **Preliminary**  
**Layout Approval for a two lot**  
**Subdivision of property at Harriman Road and**  
**Fieldpoint Drive.**

Gerald D. Reilly, Esq., appeared for the Applicant and informed the Board that the additional drawings of the proposed Subdivision which had been requested, were not yet available and the matter was therefore carried over to the next meeting.

**IPB Matter #97-23:**                      **Application of Theodor &**  
**Annette Brown for**                                      **Site**  
**Development Plan Approval for property at**  
**40 Ardsley Avenue West.**

Dr. Theodor Brown appeared personally for the application. Applicant paid the required application fee and submitted evidence of mailing of Required Notice to Affected Property Owners. Dr. Brown is requesting Site Development Plan Approval for a proposed one car garage addition of 356 square feet with a cubic space of 3,382 cubic feet at the west side of his existing residence. Drawings prepared by David A. Barbuti, Architect, dated August 10, 1997 were submitted to the Board.

The Chairman, with the Board's concurrence stated that the application would be treated as an Application for Waiver of Site Development Plan Approval. There were no comments from the public or Planning Board Consultant. The Board then determined that the application for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions

peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect off nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

**IPB Matter #97-14:**

**Application of Ettore &**

**Maria D'Alessio for Site**

**Development Plan Approval and  
Subdivision**

**Preliminary**

**Approval for property at 27  
Hamilton Road.**

Christina Griffin, Architect, and Gerald D. Reilly, Esq., appeared for the Applicant. The Application was withdrawn from Planning Board. Mr. Reilly plans to apply to the Building Inspector for a letter stating that it is necessary to secure a variance pursuant to Village Law Section 7-736(2) because access to the rear lot is solely from an easement from Broadway, and also an opinion if there is a frontage requirement. Mr. Reilly will then have information (Section 243-97.A.) to apply to the Zoning Board of Appeals.

Mr. Elliot Hurwitz, a neighbor, questioned the notice process. Mr. Plunkett stated that frontage is a problem that must be addressed by the D'Alessio's.

**IPB Matter #97-18:**  
**Elwyn & Heidi G.B.**

**Application of Jonathan D.**

**Jellinghaus for Site Development**

**Plan Approval**

**for property at 202 Hermit's**

**Road.**

Robert Bierman, representing Stephen Tilly Architect, appeared on behalf of the Application. Kevin Plunkett advised in reviewing the Zoning Code, specifically Section 243-72 C(9), it is his opinion that the Planning Board "may permit construction of other improvements on watershed lands if accepted engineering, planning and design practices satisfactory to the Planning Board are utilized to mitigate potential adverse environmental impacts, but in no case within 800 feet of the reservoir." The Application is carried over to the October meeting when Mr. Bierman will present a revised plan with the new additions. The new septic system will require County Health and Village Board approval.

**IPB Matter #97-21:**  
**for Site**  
**Approval for property at**  
**Cedarlawn Road.**

**Application of Joseph Daniel**  
**Development Plan**

Mr. Joseph Daniel, owner, and his builder, Mr. Ralph Vighante, appeared personally for the Application. Applicant submitted: drawings prepared by Louis Daniel, P.E., "Danfor Realty, Drywell Design Calculations, "Detail of Rubble Stone Masonry Retaining Wall, dated August 11, 1997". "Site Plan prepared for Danfor Realty, dated April 15, 1997, revised August 22, 1997, and "Environmental Site Plan Details & Driveway Profiles, Danfor Realty" prepared by Charles Riley, L.S., dated August 18, 1997.

Mrs. Jane Lyons and Mr. Charles Hoatling, neighbors, expressed concerns on building size and impact of dormers. They presented a letter of concern from Mr. John P. Carroll, Cedarlawn Road. Mr. Daniel expressed concern of Mr. Mastromonaco's delayed comments (memo dated September 2, 1997). This Application will be carried over to the October 8, 1997 meeting. Mr. Gilmartin will ask the Architectural Review Board to review this Application prior to the next Planning Board Meeting.

**IPB Matter #94-03:**  
**Development**

**Application of Westwood  
Associates,  
Inc., for Limited Site Development  
Plan Approval for property at Broadway,  
Riverview Road & Mountain Road.**

Messrs. Padraic Steinschneider and Charles Pateman appeared on behalf of the Application.

A Roundtable meeting with all impacted Village Departments, the Planning Board, School Board and Westwood is scheduled for September 27, 1997 at 9:30 a.m. at the Trustees' meeting room.

The Chairman read into the record the text of a letter received from Village Counsel Plunkett that under the Village Code it is not required that each individual lot that may ultimately be included in any approved Westwood subdivision have itself a site capacity of one dwelling unit.

The Board requested the Applicant to provide a survey of the High School property showing the utilities in place there and the proposed route and hook-up location for lines connecting them to the Westwood rate.

The Chairman also read into the record a letter from Mrs. Penny Delaney of the School Board Community on the Westwood Application and his letter in response to it.

A stenographic transcript of the proceeding was made and will be filed as part of the Board's record on this matter.

**IPB Matter #97-22:**  
**Associates for Site**

**Application of Irvington  
Development Plan Approval for Lot  
#38, Legend Hollow.**

Craig Studer, Project Manager at Legend Hollow, appeared for the Applicant. Applicant paid an application fee and provided an Affidavit of Publication and evidence of mailing of required Notice of the Public Hearing to Affected Property Owners.

E.C.B. comments dated August 27, 1997, and Ralph Mastromonaco's memo dated September 3, 1997 were

considered. The Chairman opened the public hearing. There were no comments from the Public. The Board then took the following action. It approved Site Plan (Lot 38) dated August 6, 1997, revised September 3, 1997, prepared by Kevin McManus, P.E. The Site Plan included revisions as per Mr. Mastromonaco's recommendations and the Planning Board's site walk.

**MINISTERIAL:**

**IPB Matter #96-30:**  
**for Site**

**Application of Renato Rancic**  
**Development Plan**

**Approval for Lot #3, Dedyo**  
**Subdivision.**

David S. Steinmetz, Esq., representing the Applicant confirmed and approved the text of an addendum to the Resolution granting Site Development Plan Approval for this lot to the effect that no occupancy permits are to be issued until all drain work is completed. This addendum has been incorporated in the Resolution attached to the Minutes of August 6, 1997 meeting of the Planning Board. This completed the proceedings on this Application.

**IPB Matter #94-21:**  
**Associates for Site**

**Application of RR Irvington**

**Development Plan Approval for Lot #40, Legend**  
**Hollow.**

David S. Steinmetz, Esq., confirmed that emergency access over Lot #40, Legend Hollow, must be maintained by this Village.

The Chairman read a letter from Mr. Bauer, Superintendent of Public Works, to the current developer, Spectrum Associates, which listed certain items and procedures which Mr. Bauer wanted corrected.

**IPB Matter #97-16:**  
**Associates for Site**

**Application of Irvington**

**#34,**

**Development Plan Approval for Lot**  
**Legend Hollow.**

Tentative Planning Board approval for Lot #34 was provided at the July 2, 1997 meeting, with the Board's request that the sewage pump system be detailed on the plans as per Ralph Mastromonaco's comments. The Board approved Site Plan (Lot #34) dated June 4, 1997, last revised August 4, 1997, prepared by Kevin McManus, P.E., which shows details of the sewage pump system.

On August 11, 1997, Spectrum Associates issued a performance bond to Larry Schopfer, Village Clerk-Treasurer, for \$115,000. This money is to replace the presently open Letter of Credit. The issuer is the Contractors Casualty Co., of Staten Island.

The Board then considered the following administrative matters:

- Minutes of the Planning Board held on August 6, 1997, previously distributed, were on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for October 8, 1997.

There being no further business, the meeting was adjourned.

Respectfully submitted,

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Allen Morris, Secretary

